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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

\*\*\*\*

CRM-M-25364-2021

DECIDED ON: 18<sup>th</sup> AUGUST, 2021

BHARAT SINGLA AND OTHERS

PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Jainika Jain, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. L.M. Gulati, Advocate for respondent No.2.

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**AVNEESH JHINGAN, J (Oral):**

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This petition is for quashing of FIR No. 169, dated 9<sup>th</sup> December, 2020 under Sections 341, 323, 148 and 149 IPC registered at Police Station Barnala, District Barnala. The quashing is sought on the basis of compromise dated 29<sup>th</sup> June, 2021.

[3] The FIR was a result of a matrimonial dispute. During the pendency of the dispute the parties have compromised the matter, decided to part their ways and move ahead in their respective lives.

[4] Following order was passed by this Court on 6<sup>th</sup> July, 2021:-

“ *The matter is taken up for hearing through video conference due to COVID-19 situation.*

*This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 169 dated 9.12.2020, under Sections 341, 323, 148 and 149 IPC, registered at Police Station Barnala all subsequent proceedings arising therefrom on the basis of compromise dated 29.6.2021.*

*Notice of motion.*

*Ms. Monika Jalota, DAG, Punjab and Mr. L. M. Gulati, Advocate accept notice on behalf of the State and the complainant respectively.*

*The parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to the compromise on 30.7.2021.*

*The trial court is directed to submit a report on or before the next date of hearing containing the following information:*

- (i) Number of persons arrayed as accused in the FIR.*
- (ii) Whether any accused is proclaimed offender and*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

*List on 18.8.2021.”*

[5] The report dated 9<sup>th</sup> August, 2021 is received stating that the compromise is genuine, without any pressure and without any coercion or undue influence. It is also stated in the report that no accused has been declared proclaimed offender.

[6] The Supreme Court in ***Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another***, 2013 (2) SCC (Cri) 302 held:-

*“10. As stated earlier, it is not in dispute that after filing of a complaint in respect of the offences punishable under Sections 498A and 406 of IPC, the parties, in the instant case, arrived at a mutual settlement and the complainant also has sworn an affidavit supporting the stand of the appellants.*

*That was the position before the trial Court as well as before the High Court in a petition filed under Section 482 of the Code. A perusal of the impugned order of the High Court shows that because the mutual settlement arrived at between the parties relate to non-compoundable offence, the court proceeded on a wrong premise that it cannot be compounded and dismissed the petition filed under Section 482. A perusal of the petition before the High Court shows that the application filed by the appellants was not for compounding of non-compoundable offences but for the purpose of quashing the criminal proceedings.*

*11. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In B.S. Joshi (supra), this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is entered into between the parties who are willing to settle their differences amicably. We are satisfied that the said decision is directly applicable to the case on hand and the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.*

*12. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.”*

[7] The litigation was result of a dispute between husband and

wife who have decided to part their ways by dissolving their marriage. No

useful purpose would be served by forcing them into a grinding stone of

trial, it would not only affect their future but would create future complications in their lives.

[8] To meet the ends of justice, the FIR mentioned above and any consequential proceedings are quashed.

[9] The petition is allowed.

**[AVNEESH JHINGAN]**  
**JUDGE**

**18<sup>th</sup> AUGUST, 2021**  
*sham*

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No